IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 9967 of 2004

Between:
Mohammed Sadiq, S/o Mohammed Saber, H.No.8-2-603/B/34/15, Road No.10, Banjara Hills, Hyderabad -500 034 .

..... PETITIONER

AND

1 Osmania University, Rep. by its Registrar Hyderabad.
2 Muffakham Jah College of Engineering and Techology, rep.by its Secretary
'Mount Pleasant', 8-2-248, Road No.3, Banjara Hills, Hyderabad-34

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the Rule 8 of the Rules and Regulations for the four year degree course in engineering 1993-94 restricting the duration to complete the course within 8 years and circle No.87/M/503/Acad/2004 dt. 17/02/2004 restricting by extending only by 2 years i.e., up to 10 years as arbitrary, illegal, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondent to permit the petitioner to complete the course and take examinations of 13 backlogs of B.E. 4 year Civil Engineering Course.

For the Petitioner: MR.K.RAMAKANTH REDDY, Advocate

For the Respondent No.1: Mr.Deepak Bhattacharjee, SC for Osmania University

The Court at the admission stage made the following :

ORDER:

This writ petition has been filed by the petitioner seeking to declare Rule 8 of Rules & Regulations for the four year degree Course in Engineering (applicable to students to be admitted from the Academic year 1993-94 onwards) offered in the Engineering Colleges affiliated to Osmania University, Hyderabad (for short 'the Rules'), and also the Circular issued by the first respondent-Osmania University, Hyderabad in No.87/M/503/Acad/04, dated 17-2-2004, as illegal and unconstitutional, and consequently to direct the respondents to permit the petitioner to complete the course and appear examinations of backlog subjects.

The petitioner states that he studied B.E. four years Civil Engineering course from 1993 to 1997 in the second respondent college affiliated to first respondent University. On account of ill health, he has 13 backlogs left out of 55 subjects. It is his case that Rule 8 of the Rules prescribed eight years period to complete the course and the Circular of the first respondent, dated 17-2-2004 provided another two years period to clear backlogs, that is, the total period for completion of the course was restricted to ten years, which expired by 2003-2004 and in view thereof the petitioner is ineligible to appear examinations of backlog subjects. Assailing the impugned Rule and Circular and also seeking direction to the respondents to permit him to appear examinations, the present writ petition is filed.

Heard the learned counsel for petitioner and the learned

Standing Counsel for Osmania University.

Prescribing of time limit, by way of Rules and Regulations, for completion of a Course of Study is within the domain of University authorities and this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India, does not interfere with the same. Therefore, I see no reason to direct the respondents to permit the petitioner to appear examinations.

However, in view of the argument of the learned counsel for the petitioner that the respondents permitted some of the students to appear examinations even after expiry of prescribed period, it is open to the petitioner to file a representation before the first respondent authorities and on filing such a representation, the first respondent is at liberty to consider and pass appropriate orders thereon.

With the above observations, the writ petition is dismissed. No costs.

N.V. RAMANA, J

Date: 22-06-2004

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To

1. The Registrar, Osmania Univdersity, Hyderabad.
2. The Secretary 'Mount Pleasant', Muffakham Jah College of

Engineering and Technology, , Banjara Hills, Hyderabad-500 034.

3. Two C.D. copies.